

## **II. Remarks**

Claims 1-10 were pending in this application and were rejected. The present amendment adds new Claim 11 and amends Claims 1-5 and 7-10 to more particularly point out and clarify Applicants' invention. After this amendment, Claims 1-11 will be pending.

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

### **Claim Objections**

Claim 10 has been amended to recite "an airbag according to Claim 1". This amendment was in response to an objection that Claim 10 recited the phrase "according to any of the Claim 1" which should be changed to "according to Claim 1." Applicants believe that this amendment has cured the respective objection.

### **Rejections under 35 USC §102**

Claims 1, 2, 8 and 10 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,556,128 issued to Sinnhuber et al. ("Sinnhuber"). In view of the amendments and the remarks contained herein, Applicants respectfully submit that the rejections of Claims 1, 2, 8 and 10 are traversed.

Applicants have amended Claim 1 to recite that the first and second inflatable regions are separated by a separating part of the airbag. The separating part is constrained when the airbag is inflated to have a thickness less than a thickness of either of the first and second inflatable regions. The airbag has a gas generator mounting portion for receiving a gas generator and at least one gusset that is arranged between the two layers of fabric to create a three dimensional shape. The

gusset extends around a periphery of at least one of the first and second inflatable regions from an end of the separating part to the gas generator mounting portion so that the at least one of the first and second inflatable regions is enclosed by the separating part, the gusset and the gas generating mounting portion. Support for these amendments may be found in Applicants' application at Figures 1-10 and paragraphs [0038], [0041]-[0042], [0050]-[0051] and [0055].

Sinnhuber discloses an airbag arrangement 12 having a gas cushion including a head compartment 13 and a torso compartment 14. The two compartments 13 and 14 are separated from each other by a transverse internal seam 15. The internal seam 15 contains an aperture 16 which is closable by a check valve 17 when the head compartment 13 is impacted by the occupant's head. *Sinnhuber* at col. 3, lines 24-30. The Examiner posits that the internal seam 15 is analogous to Applicants' claimed gusset. Office Action at page 2. Notably, however, the internal seam 15 is disposed entirely inside the airbag 12. Moreover, the internal seam 15 is disposed above and spaced apart from both the inflator 18 and the corresponding inflator mounting portion of the airbag 12. *Id.* at Fig. 2.

This is unlike Applicants invention as recited in Claim 1 where the airbag has at least one gusset that extends around a periphery of at least one of the first and second inflatable regions from an end of the separating part of the airbag to the gas generator mounting portion. Specifically, Sinnhuber transverse internal seam 15 extends entirely inside the airbag between opposing periphery sides of the airbag and (1) does not extend around the periphery of either of the chambers 13 and 14, and (2) does not extend to the inflator 18 mounting portion of the airbag 12. In that Sinnhuber lacks the noted elements of Claim 1, the rejection based thereon should be withdrawn.

Claims 1-3 and 7-8 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,349,964 issued to Acker et al. ("Acker"). In view of the amendments and the remarks contained herein, Applicants respectfully submit that the rejections of Claims 1-3 and 7-8 are traversed.

Claim 7 has been amended to recite that the first and second inflatable regions are separated by a separating part of the air-bag which is constrained when the air-bag is inflated to have a thickness less than a thickness of either of the first and second inflatable regions. The air-bag has a gas generator mounting portion for receiving a gas generator. The gusset extends at a periphery of at least one of the first and second inflatable regions between an end of the separating part and the gas generator mounting portion. Support for these amendments may be found in Applicants' application at paragraph [0051] and Figures 7 and 8.

Acker discloses a gas airbag 18 having a first chamber 20, which is inflated to the side of the thorax of the occupant 10, and a second chamber 22, which is inflated to the side of the pelvis of the occupant 10. The two chambers 20 and 22 have different internal pressures and are completely separated from each other by a dividing seam 24. As illustrated, the dividing seam 24 has a "Y" configuration with a horizontal line portion extending forward from the rear mounted gas generator 16 and a split or forked portion with two curved legs near the forward portion of the airbag 18. *Acker* at col. 3, lines 45-51 and Fig. 1. The Examiner posits that a small portion of airbag material extending between the two legs of the dividing seam 24 (hereinafter "suggested gusset of Acker") is analogous to Applicants' claimed gusset. Office Action at pages 4-5. Notably, however, the suggested gusset of Acker extends forward from the horizontal line portion of the dividing seam 24 between the

forked portion of the dividing seam 24. Moreover, the entire suggested gusset of Acker is spaced apart from and is disposed opposite to the gas generator 16.

Furthermore, the Examiner posits (see Examiner's Modified Figure 1) that the suggested gusset of Acker is analogous to one or more extra portions of fabric material which project beyond a common area of superimposition interconnected by means of a seam 24. Office Action at pages 4-5. Notably, however, the Examiner's Modified Figure 1 is for a fully inflated airbag 18 (three-dimensional state of the airbag) and does not illustrate the configuration of the layers of airbag fabric when laid flat. Accordingly, the Examiner is speculating that the suggested gusset of Acker is formed from extra portions of fabric projecting beyond a common area of superimposition of two fabric layers that are laid flat to one another.

This is unlike Applicants' invention as recited in Claim 1 where the gusset extends around a periphery of at least one of the first and second inflatable regions from an end of the separating part of the airbag to the gas generator mounting portion. Moreover, this is unlike Applicants' invention as recited in Claim 7 where the gusset is formed from extra portions of fabric being interconnected by a seam where the extra portions of fabric project beyond a common area of superimposition of two fabric layers laid flat to one another; and the gusset extends at a periphery of at least one of the first and second inflatable regions between an end of the separating part and the gas generator mounting portion. Specifically, the suggested gusset of Acker extends between the two legs of the dividing seam 24 and (1) does not extend at or around the periphery of either of the chambers 20 and 22, (2) does not extend to the gas generator 16 mounting portion of the airbag 18 or between the dividing seam 24 and gas generator 16 mounting portion, and (3) is not disclosed as being formed from extra portions of fabric projecting beyond a common area of superimposition of

two fabric layers that are laid flat to one another. In that Acker lacks the noted elements of Claims 1 and 7, the rejections based thereon should be withdrawn.

Accordingly, Applicants believe that Claim 1 and its dependent Claims 2-3, 7-8 and 10 are in a condition for allowance.

Rejections under 35 USC §103

Claim 4 was rejected under 35 USC §103(a) as being unpatentable over Acker in view of U.S. Patent No. 5,895,070 issued to Crimmins et al. ("Crimmins"). In view of the amendments and the remarks contained herein, Applicants respectfully submit that the rejection of Claim 4 is traversed.

Since Claim 4 depends on Claim 1 and since Crimmins fails to disclose an airbag having at least one gusset that extends around a periphery of at least one of the first and second inflatable regions of the airbag from an end of a separating part to the gas generator mounting portion, the combination of Acker and Crimmins cannot render the Claim of the present invention as obvious. The rejection under §103(a) is therefore improper and should be withdrawn.

Claims 5-6 were rejected under 35 USC §103(a) as being unpatentable over Acker in view of U.S. Patent No. 5,718,450 issued to Hurford ("Hurford"). Applicants respectfully submit that the rejections of Claims 5-6 are traversed.

Since Claim 5 and 6 depend from Claim 1 and since Hurford fails to disclose an airbag having at least one gusset that extends around a periphery of at least one of the first and second inflatable regions of the airbag from an end of a separating part to the gas generator mounting portion, the combination of Acker and Hurford cannot render the Claims of the present invention as obvious. The rejections under §103(a) are therefore improper and should be withdrawn.

Claim 9 was rejected under 35 USC §103(a) as being unpatentable over Acker in view of U.S. Patent No. 7,093,851 issued to Lotspih ("Lotspih"). Applicants respectfully submit that the rejection of claim 9 is traversed.

Since Claim 9 depends on Claim 7 and since Lotspih fails to disclose an airbag having at least one gusset formed from extra portions of fabric projecting beyond a common area of superimposition of two fabric layers that are laid flat to one another, and the gusset extends at periphery of at least one of the first and second inflatable regions of the airbag between an end of a separating part and the gas generator mounting portion, the combination of Acker and Lotspih cannot render the Claim of the present invention as obvious. The rejection under §103(a) is therefore improper and should be withdrawn.

### Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the Claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Date

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